IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10557 of 2005

Between:

1. Nekkanti Adinarayana, S/o Narsimha Murthy, Business, 70 years,
2. Smt. Nekkanti Seetharatnam, W/o Markandeyulu, House wife, 45 years, Both are residents of 5-4-16 & 5-4-17, Steemer Road, Narsapuram, West Godavari District.

..... PETITIONERS

AND

1. The Commissionner, AP State Excise Department, Opp. Gandhi Bhavan, Hyderabad.
2. The Superintendent, AP State Excise Department, Ashok Nagar, Eluru, West Godavari District.
3. The Asst. Superintendent, Excise Department, Near Sub Jail, Narsapur, West Godavari District.
4. K.V.N. Prabhakara Rao, S/0 Bhaskararao, Narsapuram, West Godavari District, Ajanta Bar and Restaurant, Licence No. 30/2001-02.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or direction, declaring the action of the respondents herein in extending the licence period of the 4th respondent in the petitioner's premises bearing D. No. 5-4-16 & 17, Narsapuram, for a period of three months during the Excise year 2005-06 vide proc. No. 745/2005/A2 Dt. 11-4-2005 issued by the Proh. & Excise Superintendent, Eluru, W.G.Dt, as illegal, unjust and arbitrary to Rule 29 (3) b of the AP Excise Act and as such liable to be set aside and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner :MR.S.M.SUBHAN

Counsel for the Respondents 1 to 3: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

ORAL ORDER:

Petitioner filed the writ petition seeking a declaration that the action of the respondents herein in extending the licence period of the 4th respondent in the petitioner's premises bearing D. No.
5-4-16 & 17, Narsapuram, for a period of three months during the Excise year 2005-06 vide proc. No. 745/2005/A2 Dt. 11-4-2005 issued by the Proh. & Excise Superintendent, Eluru, West Godavari District as illegal.

The learned counsel for the petitioner submitted that the petitioner had already issued a legal notice to the fourth respondent demanding him to vacate the premises and so also he also put the matter into the notice of the official respondents, in spite of which, the official respondents have renewed the licence of the fourth respondent to continue his business in the premises of the petitioners.

On the other hand, the learned Government Pleader submitted that since the fourth respondent has still been in occupation of the schedule premises as tenant, they renewed the licence of the fourth respondent.

Having regard to the facts and circumstances and in view of the submissions made by the respective counsel, I see no reasons to interfere with the matter.

Accordingly, the writ petition is dismissed at the stage of admission. No order as to costs.

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kvsn 29-04-2005

To

1. The Commissionner, AP State Excise Department, Opp. Gandhi Bhavan, Hyderabad.
2. The Superintendent, AP State Excise Department, Ashok Nagar, Eluru,

West Godavari District.

3. The Asst. Superintendent, Excise Department, Near Sub Jail, Narsapur, West Godavari District.

4. K.V.N. Prabhakara Rao, S/0 Bhaskararao, Narsapuram, West Godavari District, Ajanta Bar and Restaurant, Licence No. 30/2001-02.

5 Two CCs to GP for Proh. & Excise, High Court Buildings, Hyderabad.

6 Two CD copies.